

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CORNELIUS MADDOX,

Plaintiff,

v.

Case No. 08-C-521

DONALD JONES, et al.,

Defendants.

MEMORANDUM AND ORDER

Plaintiff Maddox has filed a motion for reconsideration of this Court's screening order dismissing claims against Defendants Greenwood and Pollard. He asserts that supervisory liability should be found because these supervisors were made aware of his dental condition and they are responsible for maintaining an inadequate dental care program at Plaintiff's facility.

The complaint sets forth a series of allegations that, if true, suggest the Plaintiff was injured due to the actions and omissions of the specific individuals who were informed about the Plaintiff's injury. In that sense, most of the complaint does not state any sort of claim for supervisory liability on the part of Greenwood or Pollard. Yet it is also possible to construe the allegations as involving the supervisors' practice of making the dentist completely unavailable for extended periods of time. In other words, the complaint can be read as alleging that the supervisors knew the Plaintiff was in extreme pain and that they further knew that their policies afforded him no ability to see either an in-house dentist or to be taken elsewhere for emergency treatment. Essentially, the complaint alleges that there is simply no dental care for extended periods of time. In the face of allegations

that the supervisors knew individuals like the Plaintiff could suffer during those down periods, I conclude the complaint does at least state a claim against the supervisory defendants. Accordingly, Plaintiff's motion is **GRANTED** and the portion of this Court's screening order dismissing claims against Defendants Greenwood and Pollard is **VACATED**. The U.S. Marshals Service shall serve a copy of the complaint, a waiver of service form and/or the summons, and this order upon these two defendants pursuant to Fed. R. Civ. P. 4.

SO ORDERED this 8th day of October, 2008.

s/ William C. Griesbach _____

William C. Griesbach
United States District Judge